

E X H I B I T   C

vehicle weight. Applicant respectfully submits that none of the foregoing features is taught by Morita et al. Accordingly, applicant respectfully submits that Claims 1, 18 and 23 distinguish over Morita et al. for the reasons set forth above.

Claims 2-4 and 19-20 have been rejected under 35 U.S.C. § 103 as unpatentable over Morita (above) in view of Tanaka, U.S. Patent No. 5,309,790. Initially, it is noted that Claims 2-4 and 19-20 all depend from Claim 23, which is believed to be allowable for the reasons set forth above. Moreover, while the Tanaka reference at col. 5, lines 48 et seq. teaches that it is known to calculate the input torque of the transmission based on the torque characteristics of the torque converter and engine speed, there is no teaching or suggestion in either Tanaka or in Morita of using the information thus calculated in the context of the present invention; specifically, the estimation of a running load of the automobile, and the selection of a shift schedule for the automatic transmission based on the running load and the estimated weight of the automobile.

In addition, applicant notes that Claims 21 and 22 in particular recite a further refinement of the invention in which calculation of the output torque is performed by one of two alternative methods, depending on the ratio between the input and the output speed of the torque converter. This feature is also missing from both Morita and Tanaka.

Claim 13 has been rejected under 35 U.S.C. § 103 as unpatentable over Morita in view of Tanaka, and further in view